

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

HERNANDEZ, et al.,

Defendants.

Case No. 1:23-cv-00054-KES-HBK (PC)

ORDER DENYING PLAINTIFF’S FIFTH
MOTION FOR APPOINTMENT OF
COUNSEL

(Doc. No. 95)

Pending before the Court is Plaintiff’s fifth Motion for Appointment of Counsel. (Doc. No. 95). Plaintiff, a state prisoner, is proceeding pro se and *in forma pauperis* on his Third Amended Complaint. (Doc. Nos. 9, 73). Plaintiff again seeks appointment of counsel citing to a “mental illness” that he suffers from “at times.” (Doc. No. 95).

The Court previously has denied Plaintiff appointment of counsel in its Orders dated February 17, 2023 (Doc. No. 17), December 19, 2023 (Doc. No. 58), October 16, 2024 (Doc. No. 89) and October 22, 2024 (Doc. No. 94). The Court adopts herein the law governing appointment of counsel set forth in the Court’s February 17, 2023, December 19, 2023, Orders as through set forth at length herein.


Plaintiff again does not meet his “burden of demonstrating exceptional circumstances.” *Jones v. Chen*, 2014 WL 12684497, at *1 (E.D. Cal. Jan. 14, 2014). Plaintiff’s claims of mental

1 health challenges alone are insufficient to satisfy the “exceptional circumstances” standard
2 required to justify appointment of counsel. *Torres v. Jorin*, 2020 WL 5909529, at *1 (S.D. Cal.
3 Oct. 6, 2020) (quoting *Thompson v. Paramo*, 2018 WL 4357993, at *1 (S.D. Cal. Sept. 13,
4 2018)); *see also Jones v. Kuppinger*, 2015 WL 5522290, at *3-4 (E.D. Cal. Sept. 17, 2015)
5 (“Circumstances common to most prisoners, such as a deficient general education, lack of
6 knowledge of the law, mental illness and disability, do not in themselves establish exceptional
7 circumstances warranting appointment of voluntary civil counsel.”). Plaintiff provides no
8 explanation as to how his alleged mental health impairments have impeded his ability to articulate
9 his claim or litigate this case. *West v. Dizon*, No. 2014 WL 114659, at *4 (E.D. Cal. Jan. 9, 2014)
10 (denying appointment of counsel when Plaintiff submitted no evidence of mental disability as to
11 the “nature or effects” of the disability). Indeed, Plaintiff has filed a motion for summary
12 judgment and various motions demonstrating his ability to prosecute this action to date.

13 Accordingly, it is **ORDERED**:

14 Plaintiff’s fifth Motion for Appointment of Counsel (Doc. No. 95) is DENIED.

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16 Dated: December 2, 2024

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18 HELENA M. BARCH-KUCHTA
19 UNITED STATES MAGISTRATE JUDGE
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